

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARLOS M. FONNEGRA-TAMAYO, et als.,
Plaintiffs,

CIVIL NO. 03-2243(DRD)

v.

SANTANDER BANK,
Defendants.

ORDER

Pending before the Court are Plaintiffs' *Motion Requesting Order to Compel Production of Document*, and *Amended Motion to Compel Production of Document*. (Docket Nos. 43, and 44). Plaintiffs request the Court issue an order requiring defendant to produce the corporate minute of August 15, 2002. Defendant timely opposed said motion wherein it explained that said minute contains information regarding other matters related to the bank's operations irrelevant to the instant case. (Docket No. 45).

Regarding discovery disputes, the Court ordered, on April 7, 2004, the following:

the Court reminds parties that no discovery related motions are to be filed with the Court except by prior exhaustion of Local Rule 26 (b). If no agreement is reached by the parties after conducting a Local Rule 26(b) meeting, **then**, the parties are to reach Leilaní Torres-Roca [now Gladys M. Steffens Guzmán] via telephone at (787)772-3164. The judge will try and reach the parties within forty eight (48) hours of their call to resolve the matter (the parties may request a transcript and the judge will issue a Minute of Proceedings as to the issue, the position of the parties and the resolution of the matter). However, if the parties' telephone call has not been answered by the judge **within five (5) days after the call**, only then, will the parties be authorized to file a discovery-related motion with the Court. During all this time the parties are to seriously and maturely examine the discovery-related dispute and attempt to solve the matter. **The Court shall not hesitate to impose sanctions should obstinacy be present.**

Minute, April 7, 2004, Docket No. 21. There is no evidence on record that makes any reference to either of the parties having timely complied with this order once the discovery dispute arose.

Notwithstanding the parties non-compliance, the Court **ORDERS** that the Minute be produced to the Court enabling the Court to examine the alleged irrelevant material. The Court shall excise the matter, but hand over the remainder of the Minute. The parties are to appear in Chambers on August 18, 2005 at 5:30p.m.

IT IS SO ORDERED.

August 1st, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE